

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

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In the matter of the Application of  
HERAEUS KULZER GMBH, Petitioner,  
For an Order Pursuant to 28 U.S.C. § 1782 to Take  
Discovery, Pursuant to the Federal Rules of Civil  
Procedure, of Respondents Biomet Inc. and Biomet  
Orthopedics, LLC For Use In Foreign Proceedings.

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CASE NO.: 3:09MC 8

**ORDER FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Upon reading the accompanying Application for Discovery in Aid of Foreign Litigation Pursuant to 28 U.S.C. § 1782, the Declarations of Dr. Friedrich Klinkert and Ms. Susan Gerber in support thereof, and the exhibits attached thereto, and it appearing that the requirements of 28 U.S.C. § 1782 have been satisfied, it is therefore

ORDERED that the application is granted; and it is

FURTHER ORDERED that Heraeus Kulzer GmbH ("Heraeus") is authorized pursuant to 28 U.S.C. § 1782 to take discovery pursuant to Rules 26, 30, 34 and 45 of the Federal Rules of Civil Procedure relevant to issues identified in its application, including issuing and serving subpoenas, in the form of Exhibits C and D annexed to the application, compelling Respondents to produce documents, and to issue additional subpoenas to Respondents for the production of documents and the taking of depositions as Heraeus may deem reasonably appropriate based upon review of the documents produced and testimony given by Respondents; and it is

FURTHER ORDERED that Respondents are directed to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the rules of this Court; and it is

FURTHER ORDERED that counsel for Heraeus may issue, sign and serve such subpoenas on Respondents pursuant to the Federal Rules of Civil Procedure 45 in this matter; and it is

FURTHER ORDERED that Heraeus shall deliver copies of this order and any subpoenas issued pursuant to this order to the parties to the German proceedings identified in its application; and it is

FURTHER ORDERED that all discovery authorized by this order shall be taken subject to the protective order requested by Heraeus.

So ordered this 2nd day of February, 2009

s/Christopher A. Nuechterlein  
Magistrate Judge Christopher A. Nuechterlein,  
United States District Court, Northern District  
of Indiana, South Bend Division